

Notice of Allowability

Application No.

10/735,447

Examiner

James R. Brittain

Applicant(s)

SHEPARD ET AL.

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief received February 27, 2007.
2. ☒ The allowed claim(s) is/are 1-3, 17, 4, 8-13, 15, 16, 14, 5-7 & 28; renumbered 1-18, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Election/Restrictions

This application is in condition for allowance except for the presence of claims 19-27 directed to an invention non-elected without traverse. Accordingly, claims 19-27 have been cancelled.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

In regard to claim 1, the reasons for allowance found in the appeal brief received February 27, 2007 on pages 5-8 are incorporated herein as the reasons for allowance as the limitation found in lines 6-8 reproduced below

(b) rib areas surrounding the raised areas to anchor the loops; and

(c) between the rib areas, planar areas that are substantially in the plane of the web, the planar areas being defined by the web.

define in combination structure, function and location of the rib areas very specifically relative to both the raised areas and planar areas while also limiting the planar areas to be substantially in the plane of the web and defined by the nonwoven fibrous material of the web. As applicant indicates, there is no suggestion to provide the devices of either Kawanaka (JP 9-3755) or Ito (WO 01/11130) with rib areas having their associated structure, function and location in conjunction with the structure and location of the raised and planar areas as claimed.

As to claim 2, the reasons for allowance found in the appeal brief received February 27, 2007 on pages 9-11 are incorporated herein as the reasons for allowance as the limitation found in lines 5-6 reproduced below

(b) rib areas surrounding the raised areas to anchor the loops; and

(c) between the rib areas, open areas that are substantially free of fibers of the web.

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define in combination structure, function and location of the rib areas very specifically relative to both the raised areas and open areas. As applicant indicates, there is no suggestion found in Harwood (US 3047444) to provide the device of Jackson (US 5699593) with rib areas having their associated structure, function and location in conjunction with the structure and location of the raised and open areas as claimed.

In regard to claim 28, the reasons for allowance found in the appeal brief received February 27, 2007 on pages 11-14 are incorporated herein as the reasons for allowance as the limitation found in lines 5-7 reproduced below

- (b) rib areas surrounding the raised areas to anchor the loops; and**
- (c) between the rib areas, planar areas that are substantially in the plane of the web, wherein the rib areas comprise fused fibers of the nonwoven web.**

define in combination the composition, function and location of the rib areas very specifically relative to both the raised areas and planar areas while also limiting the planar areas to be substantially in the plane of the nonwoven web. As applicant indicates, there is no suggestion found in King (US 5595567) to provide the device of Jackson (US 5699593) with rib areas having their associated composition, function and location in conjunction with the structure and location of the raised and planar areas as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James R. Brittain/
Primary Examiner
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JRB